



HOUSE ARMED SERVICES COMMITTEE DUNCAN HUNTER – CHAIRMAN

PRESS RELEASE

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House and Senate Conferees Approve the National Defense Authorization Act for FY2006 Conference report

*Force Protection Initiatives, Personnel Benefits and Major Procurement Overhaul Drive
Final Agreement*

Washington, DC – House Armed Services Committee Chairman Duncan Hunter (R-CA) today announced that House and Senate conferees have reached agreement on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006. The legislation sets policies, programs and funding levels for the nation's military.

The conferees, representing House and Senate defense jurisdictions, authorized \$441.54 billion in budget authority for the Department of Defense (DoD) and the national security programs of the Department of Energy (DoE). The conference report is expected to be passed by the full House and Senate tomorrow and then sent to President Bush for his signature and enactment into law.

Rep. Hunter's statement follows:

"This legislation is for America's brave servicemen and women as we enter the fifth year of the war on terrorism. They are taking the fight to the enemy in Iraq, Afghanistan and wherever else they hide. Our troops must know that Congress supports them and will do everything in our power to get them the resources they need to be victorious.

"The defense bill continues our march down this path. It provides material and budget resources to our troops presently deployed in the war on terrorism, while continuing our aggressive push for more effective solutions to protect our forces in the field.

"In this legislation, we continue to fully resource and selectively expand the compensation and support programs for the men and women of our armed forces.

"Additionally, conferees agreed to sweeping provisions to hold the Department of Defense and the services accountable for escalating prices in the acquisition system, including major weapons procurement and contracts for services. This is not a mere affordability issue. We must remain vigilant in this effort to ensure the acquisition system is responsive to our commanders and troops on the battlefield.

“On the matter of the treatment of detainees, the conference report contains two major elements, the prohibition of inhumane treatment (Senate provision) and the protection of U.S. personnel (House provision). I insisted on the addition of protections for American troops and intelligence personnel in order to prevent lawsuits from being filed against them by terrorists. We do not provide immunity to anyone who breaks the law, but we insisted on providing protections such as legal assistance. This was the least we could do for our personnel who endure great hardship and danger to defend our nation. We also gained the assurance of the Director of National Intelligence, Mr. Negroponte, that he will report to Congress in 180 days on the effect the detainee provision has on intelligence gathering, together with any recommendations for adjustments. This will give us the opportunity to measure our intelligence effectiveness and allow for possible adjustments.

“I commend President Bush, Secretary of Defense Rumsfeld and our military leaders for continuing our strategy of taking the fight directly to our enemies, before those who wish to do us harm can strike us here at home. I am grateful to Ranking Member Ike Skelton (D-MO), Subcommittee Chairmen and Ranking Members Curt Weldon (R-PA), Neil Abercrombie (D-HI), Joel Hefley (R-CO), Solomon Ortiz (D-TX), Jim Saxton (R-NJ), Martin Meehan (D-MA), John McHugh (R-NY), Vic Snyder (D-AR), Terry Everett (R-AL), Silvestre Reyes (D-TX), Roscoe Bartlett (R-MD), Gene Taylor (D-MS) and all the members of the House Armed Services Committee for their hard work in advancing this important legislation for our military.”

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A copy of the Conference Report will be posted at <http://armedservices.house.gov/> as soon as it's available.

An overview of major provisions follows, including:

- ✓ **Acquisition Reform**
- ✓ **Supplemental Funding**
- ✓ **Force Protection Initiatives**
- ✓ **Increased Military Manpower**
- ✓ **Pay, Benefits And Military Construction And Housing**
- ✓ **Expanded Benefits For Reservists And National Guardsmen**
- ✓ **Shipbuilding**
- ✓ **Ground Systems**
- ✓ **Aircraft**
- ✓ **Other Provisions (including the Detainee Provision)**
- ✓ **Table of Major Programs**

Supporting America's Military Personnel

Conference Report – National Defense Authorization Act for Fiscal Year 2006

OVERVIEW

The annual National Defense Authorization Act sets policies, programs and funding levels for the United States military. This legislation recognizes the United States is a nation entering its fifth year in the global war on terrorism. During that time, the sacrifices of the men and women of our armed forces have contributed to a number of critical victories. Our successes in Iraq and Afghanistan are part of a greater effort to promote a stability and prosperity in that region.

In the past year, the United States has assisted democratically elected governments taking power in Afghanistan and Iraq, the swearing in of Iraq's first democratically elected assembly and cabinet in over thirty years, a national election to ratify a draft constitution, an Iraqi security force growing rapidly and increasingly taking the lead in their own security, the capture of high-level members of al Qaeda and a growing disapproval within the Arab world of the brutal tactics of insurgents targeting innocent victims. While these developments are highly encouraging, the war on terror will be long and success will require a continuing commitment.

Conferees authorized **\$441.54 billion in budget authority** for the Department of Defense and the national security programs of the Department of Energy. This includes **\$76.9 billion in procurement funding, \$70 billion for research, development, testing and evaluation** and **\$108.9 billion for military personnel**. Specific provisions include:

- An additional **\$50 billion in supplemental funding** to support the war on terror's operational costs, personnel expenses and procurement of new equipment.
- Ensures America's intelligence gathering capabilities remain an effective tool in the war on terror by **protecting American military personnel and intelligence agents from civil and criminal lawsuits**.
- **Funding for force protection needs in Iraq and Afghanistan:** Up-Armored High Mobility Multipurpose Wheeled Vehicles ("humvees"), tactical wheeled vehicle recapitalization and modernization of the most heavily used vehicles, night vision devices, and improvised explosive device counter-measures, including jammers.
- Focusing on the need to **rein in the escalating costs of major procurement programs and calls for acquisition reform to ensure that critical warfighting needs are met**. The conference report requires DoD to evaluate and monitor changes in baseline cost estimates, holds the DoD accountable and sets strict standards regarding accounting and cost management.
- **Increases of 10,000 Army and 1,000 Marine active duty personnel**.
- A **3.1 percent across-the-board pay raise** for our men and women in uniform.
- **Increasing the reenlistment bonus for active duty members from \$60,000 to \$90,000**. The **enlistment bonus for new recruits will increase from \$20,000 to \$40,000**.

Increasing the maximum amounts that may be paid for reserve enlistments and decisions by reservists to affiliate with Selected Reserve units from \$10,000 to \$20,000.

- Increasing the **maximum amount of hardship pay from \$300 to \$750 per month**. Conferees also authorize the Secretary of Defense to grant **hostile fire pay and imminent danger pay retroactively** to avoid gaps in pay.
- A **death gratuity** payment of \$100,000 to families in all cases in which servicemembers die on active duty. The conference report also provides that an additional \$150,000 be retroactively paid to survivors of all military deaths that occurred on or after October 7, 2001 to compensate for the increase in Servicemembers' Group Life Insurance coverage from \$250,000 to \$400,000 that became effective for all military members on May 11, 2005.
- Enhancing **benefits offered to reservists and their families under TRICARE**.

Supporting America's Military Personnel

Conference Report – National Defense Authorization Act for Fiscal Year 2006

ACQUISITION REFORM

House and Senate Conferees took bold strides to reform the Department of Defense's acquisition system. Conferees continue to have grave concerns about the increasing costs of major weapons programs. Specifically, the conference report identified three major areas within the Pentagon's acquisition system in need of significant reform: major defense acquisition programs, internal controls for interagency procurement contracts and the management structure for procurement of service contracts.

Major Defense Acquisition Programs (MDAP). Beginning in Fiscal Year 2006, the conference report would require the Department of Defense to more critically monitor its original baseline cost estimates for major defense acquisition programs and to provide the Secretary of Defense and Congress additional information before pursuing a system that proves to be technologically unachievable or fiscally impractical. The conference report would hold the Department more accountable for the decision to enter the acquisition process for an MDAP and establish strict standards related to cost management. In order to better analyze cost growth of MDAPs, conferees would restrict the circumstances in which an original baseline may be modified, create two new thresholds for measuring cost growth: "significant" if the cost growth exceeds 15% of the original baseline estimate or 30% of the current baseline estimate and "critical" if the cost growth exceeds 25% or 50% of the original baseline estimate or current baseline estimate respectively. The conference report would require additional analysis, an explanation of why costs have increased and a justification for the continuation of the program for any MDAP that experiences "critical" cost growth.

Internal Controls for Interagency Procurement Contracts. The conference report requires the Department of Defense Inspector General, in conjunction with the Inspectors General of the Department of Interior, the Department of Treasury and the National Aeronautics and Space Administration, to determine whether the policies, procedures and internal controls of these agencies for purchases on behalf of the Department of Defense are adequate to ensure compliance with defense procurement requirements, laws and regulations.

Management Structure for Procurement of Service Contracts. The conference report requires the Under Secretary of Defense for Acquisition, Technology and Logistics to be responsible for the management of the acquisition of contract services and the designation of a service acquisition chief for each military service and for the defense agencies. Under this provision, the Under Secretary of Defense for Acquisition, Technology and Logistics would be responsible for developing and maintaining policies, procedures and best practices guidelines for the acquisition of contract services, while the senior officials responsible for the acquisition of contract services would be responsible for the implementation of these policies, procedures and guidelines by the military department and defense agencies. Each senior official would be required to assign responsibility for the review and approval of procurements to specific individuals in the Department of Defense, subject to the direction, supervision and oversight of the senior official. The conference report would allow for the phased implementation of these reforms to ensure the Department of Defense has the time necessary to fully implement the new requirements.

In addition to these three major areas of reform, the conference report would require the Defense Acquisition University, acting under the direction of the Under Secretary of Defense for Acquisition, Technology and Logistics, to review and report to Congress on the capabilities and shortfalls for the acquisition organizations of the military services and defense agencies.

Contingency Contracting. The conference report would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to develop a joint policy on contingency contracting, including the designation of a senior officer responsible for acquisition under the direction of a Combatant Commander and training to ensure the proper use of rapid acquisition authorities in combat, post-combat and reconstruction environments.

SUPPLEMENTAL FUNDING

Conferees authorized \$50 billion, to be made available upon enactment of this legislation, to support the defense activities principally associated with Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). These funds are designated for emergency contingency operations to support force protection requirements, operational needs, and military personnel engaged in the global war on terrorism.

Included in the force protection recommendation is funding for Up-Armored High Mobility Multipurpose Wheeled Vehicles ("Humvees"), tactical wheeled vehicle recapitalization and modernization of the most heavily used vehicles in OIF and OEF, night vision devices, and improvised explosive device counter-measures, including jammers.

Incorporated in the day-to-day operation recommendation is funding to pay for food, fuel, spare parts, maintenance, transportation, base expenses, as well as costs incurred by stateside installations for increased mobilizations and demobilizations.

FORCE PROTECTION INITIATIVES

Up-Armor HMMWVs ("Humvees"). Conferees authorized \$440.0 million for additional Up-Armor HMMWVs (UAHs) for the Army and Marine Corps. This funding will procure the M1114, M1151 and M1152 UAHs, and will maintain optimal production rates, address emerging force protection requirements and facilitate distribution to Army and Marine Corps units currently operating in Iraq and Afghanistan.

Add-On Armor Kits. The Conference Report provides \$170.0 million for tactical wheeled vehicle add-on armor programs, which include steel and transparent armor. These funds can be used for the procurement of add-on armor kits for light, medium, and heavy tactical wheeled vehicles. Conferees also recommend \$2.45 million for kits to armor 60 five-ton trucks to provide convoy protection in Iraq.

Enhanced Body Armor. The conference report includes \$114.7 million for enhanced body armor.

Improvised Explosive Device (IED) Jammers. The conference report includes funding for the Warlock family of jammers and additional low cost jammer initiatives to counter the ongoing threat from IEDs in Iraq and Afghanistan.

Night Vision Equipment. The conference report authorizes \$229 million for the procurement of Marine Corps night vision equipment and \$93.9 million for the procurement of Army night vision equipment.

Tactical Wheeled Vehicle (TWV) Recapitalization and Modernization. Conferees authorized \$333.4 million to facilitate the Army's recapitalization and modernization program for Tactical Wheeled Vehicles. The Army intends to recapitalize, modernize, and eventually replace the existing light, medium, and heavy tactical wheeled vehicle fleets through an extensive recapitalization program that will convert all TWVs to the latest configuration of vehicle and will include such upgrades as integrated add-on armor, safety enhancements, and other modifications.

INCREASED MILITARY MANPOWER

Active Duty End Strength. Conferees authorized personnel increases of 10,000 for the Army and 1,000 for the Marine Corps over 2005 authorizations. That would bring the Army end strength to 512,400 and the Marine Corps to 179,000.

Additional authority for increases of Army and Marine Corps active duty end strengths for Fiscal Years 2007 through 2009. The conference report would provide the Secretary of Defense the authority to continue to grow the Army to 532,400 and the Marine Corps to 184,000.

PAY, BENEFITS AND MILITARY CONSTRUCTION AND HOUSING

Basic Military Pay. Congress remains dedicated to increasing income levels for military personnel and recommends a 3.1 percent across-the-board pay raise for our men and women in uniform.

Increase in Maximum Enlistment Age. The conference report authorizes an increase in the maximum enlistment age for active duty from 35 to 42 years of age.

Increase in maximum monthly rate authorized for hardship duty pay. The legislation increases from \$300 to \$750 per month the maximum amount of hardship duty pay that may be paid.

Hostile fire and imminent danger pay. The legislation authorizes the Secretary of Defense to grant hostile fire pay and imminent danger pay retroactively to avoid gaps in pay.

Active-duty enlistment / re-enlistment bonus. The reenlistment bonus for active duty members will increase from \$60,000 to \$90,000. The enlistment bonus for new recruits will increase from \$20,000 to \$40,000.

Additional Army Recruitment Incentives. The conference report authorizes the Secretary of Defense to develop and initiate up to four recruitment projects not currently in law to encourage increased service in the Army.

Recruit Referral Bonus. The conference report authorizes a pilot program that would pay a \$1,000 bonus to members of the Army, Army Reserve and Army National Guard who refer a person, who is not an immediate family member or former member of the armed services, to a recruiter. The referred person must complete basic training and individual advanced training successfully for the bonus to be paid.

Bonus for Transfer between Armed Forces. The conference report authorizes an incentive bonus of up to \$2,500 to servicemembers of the active and reserve components who transfer to the regular or reserve component of another service.

Allowance to Cover Portion of Servicemembers' Group Life Insurance (SGLI) Premiums. The conferees authorized an allowance to pay for up to \$150,000 in SGLI coverage for members serving in Operation Iraqi Freedom and Operation Enduring Freedom. The Secretary of Defense is also authorized, but not required, to pay for an additional \$250,000 of coverage.

Death gratuity. The conference report provides for an increased payment of \$100,000 to families in all cases in which servicemembers die on active duty. The conference report also authorizes retroactive payment to survivors of all military deaths occurring on or after October 7, 2001. In addition, the conference report provides that an additional \$150,000 death gratuity be retroactively paid to survivors of all military deaths that occurred on or after October 7, 2001 to compensate for the increase in Servicemembers' Group Life Insurance coverage from \$250,000 to \$400,000 that became effective for all military members on May 11, 2005.

Special Pay for Servicemembers During Rehabilitation from Injuries in a Combat Zone. The conference report would authorize the military services to pay \$430 per month to troops with injuries sustained in a combat operation or zone designated by the Secretary of Defense.

Prohibition Against Requiring Certain Injured Servicemembers to Pay for Meals Provided by Military Treatment Facilities. The conference report provides that members of the armed services shall not be required to pay for meals at military treatment facilities while undergoing medical recuperation or therapy, or are otherwise undergoing continuous care, including outpatient care, for an injury, illness or disease incurred in support of Operation Iraqi Freedom, Operation Enduring Freedom or any other operation or area designated by the Secretary of Defense.

Permanent Authority to Provide Transportation Allowances for Dependents to Visit Hospitalized Servicemembers Injured in Combat. The conferees authorized payment of travel and transportation allowances for family members to visit servicemembers hospitalized in the United States who have incurred injuries in a combat operations or area designated as a combat operation or combat zone by the Secretary of Defense.

Permanent Increase in Length of Time Dependents of Certain Deceased Members May Continue to Occupy Military Housing. The conferees authorize a permanent extension from 180 days to 365 days the period that dependents of servicemembers who die on active duty may continue to occupy military family housing without charge or receive a basic allowance for private housing.

Pilot program on contributions to Thrift Savings Plan for Initial Enlistees. The conference report requires the Secretary of the Army to conduct a pilot program to assess the extent to

which contributions by the Army to the Thrift Savings Plan would assist in recruiting new enlistments without prior military service.

Enhanced Uniform Code of Military Justice Provisions (UCMJ). The conference report strengthens the Uniform Code of Military Justice to provide a series of graded offenses relating to rape, sexual assault and other sexual misconduct and set interim maximum punishments for the respective offenses. The conferees also established and defined stalking as a separate offense under UCMJ.

Military Construction. The conference report authorizes \$12.2 billion for military construction and family housing, including:

- \$1.8 billion for Army construction projects;
- \$1.2 billion for Navy construction projects;
- \$1.3 billion for Air Force construction projects;
- \$675.7 million for Army National Guard and Reserve construction projects;
- \$422.0 million for Air National Guard and Air Force Reserve construction projects;
- \$46.9 million for Navy Reserve construction projects; and,
- \$4.1 billion for family housing operations, maintenance, and construction projects; and
- \$1.8 billion for base realignment and closure activities.

EXPANDED BENEFITS FOR RESERVISTS AND NATIONAL GUARDSMEN

Enhancing TRICARE Benefits for Reservists and Families. Mobilized reservists continue to be eligible for TRICARE Reserve Select (TRS); and the conference report would permit a reservist up to 90 days after release from active duty to decide whether to commit to continued service in the reserves and enroll in TRS. Under current law this decision must be made before release from active duty, during the normally hectic demobilization process. The conference report would also extend health care benefits for qualified members, extend health care coverage for family members six months beyond the death of a member enrolled in TRS and permit a member of the Individual Ready Reserve, who is otherwise qualified benefits under TRS, one year to transfer to the Selected Reserves while maintaining eligibility for TRS. Additionally, the conference report authorizes new TRICARE Standard coverage and defines categories of eligibility for all members of the Selected Reserve, and their families, who commit to continued service in the Selected Reserve.

Reserve Enlistment Bonus. The conference report authorizes an increase in the maximum amounts that may be paid for reserve enlistments and decisions by reservists to affiliate with Selected Reserve units from \$10,000 to \$20,000.

Elimination of Basic Allowance for Housing Type II. The conference report sets the reserve rates for basic allowance for housing to be the same as active duty rates when reservists are mobilized for over 30 days.

Income Replacement Payments for High Operations Tempo Reservists. The conference report requires the Secretary of Defense to pay involuntarily mobilized reservists on a monthly basis the amount necessary to replace the income differential between their military compensation and their civilian income. Reserve members would be eligible for the income replacement payment of up to \$3,000 after 18 continuous months of service on active duty or 24

months on active duty during the previous 60 months, or for any month during a mobilization that occurs within six months of the member's last active duty tour.

Foreign Language Proficiency Pay. The conference report makes the amount and method of payment for foreign language proficiency consistent for both active duty and reserve component personnel.

Reserve Critical Skill Retention Bonus. The legislation authorizes the addition of reserve personnel to the existing active duty authority for a critical skill retention bonus and expands the years of service for which payment may be received for Navy nuclear officers and special operations personnel. The conference report limits payments to reserve members to \$100,000 over a career.

Prior Service Enlistment Bonus. The legislation expands flexibility to use the Prior Service Enlistment bonus by eliminating the requirement that a bonus be paid only to members who had completed their eight-year service obligation and the requirement that members not have received a previous bonus as reservists.

Selected Reserve Reenlistment Bonus. The conference report expands the years of service for which the Selected Reserve Reenlistment bonus may be received.

SHIPBUILDING

Report on Efficiency of Naval Shipbuilding Industry. The conference report requires the Secretary of the Navy to conduct an assessment of the United States shipbuilding industry to determine how worldwide shipbuilding best practices for innovation, processes and infrastructure may be adopted to improve efficiency in:

- Program design, engineering and production engineering;
- Organization and operating systems;
- Steelwork production; and
- Ship construction and outfitting.

Virginia-class Submarine Program. The conference report establishes cost caps on Virginia Class submarines at the current contract ceilings of: SSN-779, \$2.33 billion; SSN-780, \$2.47 billion; SSN-781, \$2.55 billion; SSN-782, \$2.67 billion; and SSN-783, \$2.72 billion.

Littoral Combat Ship (LCS) program. The conference report establishes a cost cap of \$220 million on the fifth and sixth LCS vessels (without their mission packages). The report also restricts acquisition of additional Littoral Combat Ships or mission packages, beyond the first 4 vessels, until the Secretary of the Navy certifies that there exist stable designs for LCS vessels.

Refueling and Complex Overhaul of the USS. Carl Vinson. The conference report authorizes \$1.5 billion for the Secretary of the Navy to accomplish the nuclear refueling and complex overhaul of the USS Carl Vinson authorized previously in Pubic Law 109-104.

Initiation of Program to Design and Develop Next Generation Nuclear Attack Submarine. The conference report requires the Secretary of the Navy to initiate a program to design and develop a next generation attack submarine that would serve as a successor to the current Virginia-class nuclear attack submarine. The objective of this provision is to develop a

submarine with capabilities meeting or exceeding those of the current Virginia-class at a lower cost.

LHA Replacement amphibious assault ship program. The conference report authorizes the Secretary of the Navy to enter into advance procurement, detail design and construction of the LHA replacement ship to be funded in the Shipbuilding and Conversion account in Fiscal Years 2006, 2007 and 2008. The report withholds 30 percent of the funding authorized in Fiscal Year 2006 until 1) a detailed operational requirements document has been approved by the Department of Defense and 2) the Secretary of the Navy certifies that there exists a stable design for LHA(R).

Next Generation Destroyer. The conference report authorizes advance procurement funding for the next generation destroyer. The conference report also establishes a \$2.3 billion cost cap on the fifth ship of the class.

Prohibition on Acquisition of Next Generation Destroyer through a Single Shipyard. The conference report prohibits the use of a “winner-take-all” strategy in the acquisition (including design and construction) of the next generation destroyer.

Aircraft Carrier Force Structure. The conference report requires the Navy to maintain 12 carriers in active service and authorizes up to \$288 million to extend the life of the USS John F. Kennedy.

GROUND SYSTEMS

Future Combat Systems (FCS). The conferees support the FCS program and strongly endorse a program strategy that will enable early spin out of FCS technologies into the current force, a top priority of the Chief of Staff of the Army. However, the conferees continue to have concerns and must ensure the program provides adequate transparency with regard to program management, critical technology maturity, manned ground vehicle lethality and survivability and other issues. The conference report requires an annual review of the FCS program to be conducted by the Comptroller General. The conference report also limits funds to the Manned Ground Vehicle’s project within FCS until the Secretary of Defense certifies and submits findings back to the congressional defense committees. Finally, the conference report directs the Secretary of Defense to ensure that, beginning with the Fiscal Year 2008 budget submission, a separate, dedicated program element is assigned to each of the systems development and demonstration (SDD) projects within the Armored Systems Modernization program element.

Report on Army Modular Force Initiative. The conferees are aware the Army is currently restructuring itself in order to create a more deployable brigade-centric force under the Army Modular Force Initiative. The conferees have strongly supported and will continue to support the Army’s modular force initiative. However, the conferees are concerned with modularity costs and the Army’s ability to support current year and outyear funding for the modular force initiative. As such, the conferees require the Army to submit a report to Congress that specifies each program in the modular force initiative and the requirements, acquisition objective, funding profile, and unfunded requirements for each program specified as part of the Army’s modular force initiative.

Joint Tactical Radio System (JTRS). The conferees have supported the JTRS program in the past although they have questioned the structure and inability of the Department of Defense to deliver a software programmable radio. The conferees endorse the designation of a joint program executive officer (JPEO) for the JTRS program and believe the JPEO should have the authority to successfully manage a program of this size and cost, once the JTRS program is re-evaluated and restructured by the Secretary. The conferees direct the Secretary of Defense to apply Department of Defense Instruction 5000.2 to the JTRS in a manner that does not permit the Milestone B entrance requirements to be waived unless the Secretary certifies that the Department is unable to meet critical national security objectives.

AIRCRAFT

C-17 Multiyear Procurement Authority and Assessment of Inter-theater Airlift

Requirements. The conference report authorizes the Air Force to enter into a multiyear contract for procurement of up to 42 additional C-17 aircraft contingent upon certification from the Secretary of Defense that procurement of additional C-17 aircraft is consistent with results of the Quadrennial Defense Review (QDR). The conference report further requires the Secretary of Defense to include in the QDR an assessment of inter-theater airlift capabilities required to support the national defense strategy. Lastly, the conference report encourages the Secretary of the Air Force to maintain the C-17 production line at not less than the minimum sustaining production rate until sufficient flight testing data can be obtained to assess the C-5 Reliability Enhancement and Re-engining Program.

Prohibition on retirement of KC-135E aircraft. The conference report prohibits the Air Force from retiring any KC-135E aerial refueling aircraft in Fiscal Year 2006.

Procurement of C-130J/KC-130J Aircraft. The conference report requires that any C-130J/KC-130J aircraft procured after Fiscal Year 2005 through a multi-year contract be procured through a contract under Part 15 of the Federal Acquisition Regulations, relating to items by negotiated contract, rather than through a contract under Part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items. Additionally, the conferees recommended that the Department of Defense continue the previously-planned C-130J and KC-130J multiyear procurement program for Fiscal Year 2006. Accordingly, the conferees agreed to decrease the Navy and Marine Corps budget request of 12 KC-130Js by eight, leaving four KC-130Js; and to increase the Air Force budget of zero C-130J aircraft procurement by nine aircraft.

Joint Strike Fighter. The conferees agreed to fully fund the Joint Strike Fighter budget request which, includes \$152.4 million for advance procurement, \$2.4 billion for Navy research, development, test and evaluation (RDTE) and \$2.5 billion for Air Force RDTE.

OTHER PROVISIONS

Treatment of Detainees. The conference report contains two major provisions regarding the treatment of detainees – the prohibition of inhumane treatment and the protection of U.S. personnel. In order to continue to effectively gather intelligence to fight the war on terror, the conference report includes legal protections for American personnel engaged in gathering intelligence. The conference report does not provide immunity to anyone who breaks the law, but it extends to all American intelligence personnel a basic level of protection as afforded to members of the Armed Forces under the Uniform Code of Military Conduct. Additionally, the Director of National Intelligence committed to briefing Congress within 180 days of enactment on the effect of these provisions on intelligence gathering, together with any recommendations for adjustments.

Protecting the United States Industrial Base by Strengthening the Berry Amendment.

The conference report requires the Department of Defense to publicly announce when it utilizes a waiver to the Berry Amendment. The conference report also expands and clarifies the definition of “clothing” under the Berry Amendment to better protect domestic textile manufacturers.

Fielding of Ballistic Missile Defense Capabilities. Conferees approved \$7.8 billion for research, development, test and fielding of ballistic missile defense capabilities. The conference report emphasizes the importance of fielding near-term capabilities and would direct the appropriate operational test and evaluation components of the Department of Defense, in coordination with the Missile Defense Agency, to prepare a plan to test, evaluate and characterize the operational capability of each block of the missile defense system. Additionally, the report requires the Secretary of Defense to conduct an assessment of the programs designed to protect against boost/ascent-phase ballistic missile attacks and submit a report by October 1, 2006.

Space Radar. The conference report authorizes \$100 million for space radar program funds to be invested in demonstration of ground exploitation capability, horizontal integration, continued radar technology maturation and new technology breakthroughs that will lower payload weight and cost. Conferees believe that the future success and stability of the space radar program rests in the demonstration, development and deployment of a national capability consisting of fully integrated space, air and surface components.

National Nuclear Security Administration. The conferees approved \$9.2 billion for the National Nuclear Security Administration, including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs and the Office of the Administrator. The conferees authorized \$1.6 billion for defense nuclear nonproliferation.

Hard and Deeply Buried Target Penetrator Study. The conferees authorized \$4.0 million for a sled test in support of a penetrator study to be conducted by the Department of Defense to explore options for the defeat of hard and deeply buried targets.

Reliable Replacement Warhead Program. The conferees approved a provision establishing the objectives for the Reliable Replacement Warhead program, which is designed to ensure that the nations’ nuclear weapons stockpile remains safe, reliable and secure. The conferees authorized \$25.0 million for this program.

Actions on Major Programs in the Fiscal Year 2006 Defense Authorization Act
(dollars in millions)

Major Army Programs						
	FY 2006 Budget Request			Conference Recommendation		
	R & D	Quantity	Procurement	R & D	Quantity	Procurement
Army Science and Technology	\$1,735.2	-	-	\$2,133.0	-	-
AH-64 Mods	-	-	\$580.4	-	-	\$584.4
CH-47 Upgrades	-	-	\$675.1	-	-	\$675.1
UH-60 Blackhawks	-	41	\$579.1	-	41	\$562.1
Future Combat Systems	\$3,405.0	-	-	\$3,355.0	-	-
*Small Arms and Modifications	-	-	\$89.2	-	-	\$541.9
*Stryker	\$26.7	-	\$874.0	-	-	\$904.0
*Up-Armor HMMWVs	-	-	\$224.2	\$5.0	-	\$464.2
*FMTV	\$1.8	-	\$449.6	\$1.8	-	\$499.6
*HMMWV Recap Program	-	-	\$32.8	-	-	\$240.8
*IED Jammers	-	-	-	-	-	\$45.0
*FBCB2	\$20.2	-	\$146.1	\$20.2	-	\$263.0
*SINCGARS	-	-	\$55.5	-	-	\$172.5
*Night Vision Devices	\$82.3	-	\$164.0	\$102.0	-	\$226.3
Excaliber XM982	\$113.4	-	\$25.1	\$115.4	-	\$25.1
Ammunition Industrial Base Upgrades	-	-	\$144.6	-	-	\$152.0
TWV Product Improvement Program	-	-	-	\$20.0	-	-

*Title XV Emergency Authorization

Major Navy and Marine Corps Programs						
	FY 2006 Budget Request			Conference Recommendation		
	R & D	Quantity	Procurement	R & D	Quantity	Procurement
CVN-21	\$308.0	-	\$564.9	\$308.0	-	\$651.6
CVN(RCOH)	-	-	\$1,513.6	-	-	\$1,513.6
T-AKE	-	-	\$380.1	-	-	\$384.0
LHA -R	\$22.0	-	\$150.4	\$22.0	-	\$200.4
DD (X)	\$1,084.7	-	\$716.0	\$1,124.8	-	\$766.0
DDG-51	-	-	\$225.4	-	-	\$225.4
E-2C Hawkeye	\$629.7	2	\$211.0	\$629.7	2	\$211.0
F/A-18E/F	\$88.7	38	\$2,736.2	\$88.7	38	\$2,742.6
EA-18G	\$409.1	4	\$310.2	\$409.1	4	\$318.4
JPATS	-	-	\$2.4	-	-	\$22.5
Joint Strike Fighter	\$2,393.0	-	\$152.4	\$2,393.0	-	\$152.4
P-3 Upgrades	\$7.4	-	\$163.3	\$7.4	-	\$170.3
UH-1Y/AH-1Z	\$42.0	10	\$307.5	\$42.0	10	\$318.3
KC-130J	-	12	\$1,093.0	-	4	\$366.4
Multi-Mission Aircraft	\$964.1	-	-	\$964.1	-	-
LPD-17	\$11.4	-	\$1,345.0	\$11.4	-	\$1,345.0
LHD Amphibious Assault Ship	-	-	\$197.8	-	-	\$197.8
Littoral Combat Ship	\$576.4	1	\$36.8	\$576.5	-	-
SSGN Conversion	\$24.0	-	\$286.5	\$24.0	-	\$286.5
Navy Science & Technology	\$1,776.1	-	-	\$1,981.0	-	-
T-45	-	6	\$239.2	-	6	\$239.2
Tomahawk	\$20.3	379	\$353.4	\$20.3	379	\$353.4
*Light Armored Vehicles	-	-	-	-	-	\$102.5
*Night Vision Equipment	-	-	\$20.8	-	-	\$251.0
*Tactical Radios	-	-	\$29.0	-	-	\$54.0
*Up-Armor HMMWVs	-	-	\$98.0	-	-	\$298.0
VXX	\$936.0	-	-	\$935.9	-	-
LW 155mm Towed Howitzer	-	-	\$178.4	-	-	\$178.4
Expeditionary Fighting Vehicle	\$254.0	-	\$30.4	\$254.0	-	\$30.4
VA Class Submarine	\$155.8	1	\$2,401.5	\$155.8	-	\$2,401.5
MUOS	\$470.0	-	-	\$470.0	-	-
V-22 Osprey	\$206.4	9	\$993.3	\$206.4	9	\$993.3

*Title XV Emergency Authorization

Major Air Force Programs						
	FY 2006 Budget Request			Conference Recommendation		
	R & D	Quantity	Procurement	R & D	Quantity	Procurement
Air Force Science and Technology	\$1,980.2	-	-	\$2,126.0	-	-
TSAT	\$835.8	-	-	\$435.8	-	-
Space Based Radar	\$225.8	-	-	\$100.0	-	-
EELV	\$26.1	5	\$838.3	\$26.1	5	\$784.3
B-1B Bomber	\$132.0	-	\$28.0	-	-	\$41.8
B-2 Stealth Bomber	\$285.0	-	\$59.0	-	-	\$59.0
Next Generation Bomber	\$25.0	-	-	-	-	-
C-17 Globemaster	\$166.0	15	\$2,791.0	-	-	-
C-130J	\$6.7	-	\$235.8	\$6.7	9	\$743.9
C-5 Mods	\$226.0	-	\$71.0	-	-	\$86.1
Multi-Sensor Cmd & Ctl Constellation	\$397.0	-	-	\$397.0	-	-
F-15 Eagle Mods	\$125.0	-	\$152.0	\$125.0	-	\$152.0
F-16C/D Fighting Falcon Mods.	\$155.7	-	\$381.0	\$155.7	-	\$381.0
F/A-22	\$479.7	25	\$3,186.6	\$479.7	25	\$3,186.6
JPATS	-	54	\$333.0	-	54	\$333.0
Joint Strike Fighter	\$2,474.8	-	\$152.0	\$2,474.8	-	\$152.0
Predator UAVs	\$61.0	9	\$125.6	\$61.0	9	\$125.6
CV-22	\$39.5	2	\$244.6	\$39.5	2	\$244.6

Major Defense-Wide Programs						
	FY 2006 Budget Request			Conference Recommendation		
	R & D	Quantity	Procurement	R & D	Quantity	Procurement
Ammunition (all services)	-	-	\$3,480.3	-	-	\$3,626.6
Boost Defense Segment	\$483.9	-	-	\$483.9	-	-
BMD Sensors	\$529.8	-	-	\$539.8	-	-
BMD Technology	\$136.2	-	-	\$113.6	-	-
Defense Agency Science & Technology	\$5,030.7	-	-	-	-	-
Mid-Course Defense Segment	\$3,266.2	-	-	\$3,441.2	-	-
Terminal Defense Segment	\$1,143.0	-	-	\$1,198.6	-	-
Chemical/Biological Defense Program	\$898.0	-	\$650.7	-	-	\$676.8
Chemical Demilitarization Program	-	-	\$1,405.8	-	-	-